

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

DIANA GOODWIN

v.

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

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Civil No. – JFM-11-256

**MEMORANDUM**

Plaintiff has instituted this action for employment discrimination against Montgomery County, Maryland.<sup>1</sup> Plaintiff had been employed by Montgomery County, Maryland Department of Health and Human Services. She asserts claims for sexual harassment and retaliation.

Plaintiff's claim for sexual harassment is entirely without merit. Although the person whom she accused of sexual misconduct vehemently denies the acts that plaintiff asserts to have occurred, plaintiff was removed from the alleged harasser's supervision and, indeed, from the building in which she had worked when the harassment occurred. Defendant acted entirely reasonably in moving plaintiff, rather than the alleged harasser, because the alleged harasser was working in a position where in defendant's view his continuation was necessary to further the public benefit. Plaintiff's charge of harassment was the first charge of harassment that had ever been filed against him.

Plaintiff's claim for retaliation likewise fails. Of course, as defendant readily acknowledges, the filing of an employment discrimination claim, does not entitle an employer to retaliate in any way against the person who filed the claim. Here, however, there is simply no

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<sup>1</sup> This action was administratively closed while the parties attempted to negotiate a settlement.

evidence that plaintiff was retaliated against. Her work on what was known as the PACE assignment ended with the termination of that assignment was in accordance with the terms of the assignment itself. After her work on the PACE assignment was concluded, defendant did not permit plaintiff to do any more IT work but, given the fact that plaintiff had previously complained that she was doing work outside of her job description, defendant's action was entirely reasonable and non-discriminatory.

A separate order granting defendant's motion for summary judgment is being entered herewith.

Date: January 31, 2014

/s/  
J. Frederick Motz  
United States District Judge